

<b>POLICE/SHERIFF'S DEPARTMENT</b>		<b>GENERAL ORDERS</b>	
<b>SUBJECT: Prisoner Transportation</b>		<b>NUMBER: 2-8</b>	
<b>EFFECTIVE DATE: July 1, 1999</b>		<b>REVIEW DATE:</b>	
<b>AMENDS/SUPERSEDES: GO 2-8, January 1988</b>		<b>APPROVED: _____ Chief of Police/Sheriff</b>	
<b>CALEA STANDARDS: 71.1,71.2, 71.3, 71.4, 71.5</b>		<b>VLEPSC STANDARDS: OPR.08.01-.06</b>	

## **NOTE**

This order is for internal use only, and does not enlarge an officer's civil or criminal liability in any way. It should not be construed as the creation of a higher standard of safety or care in an evidentiary sense, with respect to third-party claims. Violations of this directive, if proven, can only form the basis of a complaint by this department, and then only in a non-judicial administrative setting.

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## **I. POLICY**

Transportation of persons in custody is a constant requirement and a frequent activity. Transportation usually occurs in two instances. The first is immediately after arrest when the arrestee is taken by the arresting officer for booking and holding or transfer to another facility. The second concerns the movement of prisoners from the detention facility, such as the county jail, to a hospital, doctor, dentist, or other medical facility, to court, or to attend a funeral or visit a seriously ill relative, and for other reasons. In all instances of transfer of persons in custody, officers shall take care not to endanger themselves while ensuring the prisoner's safety, thus limiting opportunities for escape.

## **II. PURPOSE**

The purpose of this policy is to establish procedures to ensure that prisoners are transported safely.

## **III. PROCEDURES**

A. General

1. Unless no other type of vehicle is available, all prisoners shall be transported in secure, caged vehicles.
2. In no case shall a juvenile known or believed to be under the age of 18 years be transported with adults suspected of or charged with criminal acts (per *Virginia Code* § 16.1-254.B).
3. When picking up a prisoner from any facility, the officer shall verify the identity of the prisoner.
4. The transporting officer shall obtain from the custodian of the prisoner any paperwork, property, or medical records that should accompany the transfer of the prisoner.

B. Searching the prisoner

1. The transporting officer shall always search a prisoner before placing him or her into the vehicle. Officers must never assume that a prisoner does not possess a weapon or contraband or that someone else has already searched the prisoner. The transporting officer shall conduct a search of the prisoner each time the prisoner enters custody of the officer. See paragraphs E, G, and I for a discussion of prisoner restraining devices.
2. When handling and searching prisoners, officers shall remain mindful of the department's infectious diseases exposure control plan (see GO 2-34) and shall use personal protective equipment when necessary.

C. Searching the police vehicle

The transporting officer shall search the vehicle before each prisoner transport to ensure that no weapons or contraband are available to the prisoner. Further, after delivering the prisoner to his or her destination, officers shall again search the police vehicle to ensure that the prisoner did not hide contraband or other evidence.

D. Transport equipment

1. Most marked vehicles are equipped with a metal screen separating the front and rear compartments. Normally, these vehicles will be used in all prisoner transports in order to prevent prisoner access to the driver's compartment.
2. All vehicles equipped with metal screen barriers and used in transporting prisoners have the rear interior door and window handles removed in order to minimize the risk of escape by prisoners while transporting.

E. Positioning of prisoners in the transport vehicle

1. When an officer transports a prisoner in a caged vehicle, the prisoner shall be positioned in the rear seat and secured with seat belts. Prisoners shall be handcuffed with their hands behind their backs, palms outward, except for pregnant, handicapped, or injured prisoners, as detailed in GO 2-7.
2. When an officer transports a prisoner in a non-caged vehicle, the prisoner shall be placed in the right front seat and secured with a seat belt. The prisoner shall be handcuffed with his or her hands behind the back, palms outward. A lone officer shall never transport two or more suspects in a non-caged vehicle unless directed by the on-duty supervisor. ***[Note: Some agencies require officers to place a suspect in the right rear seat, rather than the right front seat. Officer safety considerations can be argued to support either procedure.]***
3. If more than one officer transports prisoners in a non-caged vehicle, the following procedures shall be observed.
  - a. One officer shall position him- or herself in the rear of the transporting vehicle behind the passenger seat with the prisoner (seatbelted) on the opposite side.
  - b. In a situation where more than one prisoner is transported by two officers in the same vehicle, the prisoners shall be positioned on the rear seat (seatbelted) and the assisting officer should position himself in the front seat in order to see the prisoners at all times.
4. Officers shall not transport prisoners who are restrained in a prone position. Doing so risks positional asphyxia, a form of suffocation for the restrained suspect that may cause death.

F. Control of prisoners while transporting

1. Observation
  - a. During transportation, officers shall continually observe the prisoner, even when it becomes necessary to allow the prisoner the use of a toilet.
  - b. In a situation where observation is not possible (woman prisoner needing toilet facilities and male transporting officer or *vice versa*), the officer shall exercise as much control of the situation as possible. The prisoner shall not be allowed in the facility with another person

and the officer shall ensure that there are no escape routes within the facility and no weapons available to the prisoner.

- c. If a prisoner appears lethargic, particularly after an active confrontation with officers, or appears unresponsive, consider the possibility that immediate medical help may be necessary. Observe the suspect carefully and if the officer is in any doubt about the prisoner's health, summon medical assistance immediately. Officers should ask an apparently sick prisoner if he or she wishes medical assistance.
- d. The transporting officer shall advise the receiving officer or deputy of any medical conditions of the prisoner, or any suspicions or concerns about the prisoner's medical state.

## 2. Meals

If the transporting officer must stop enroute for a meal, he or she should choose an unfamiliar place. This minimizes any chance of an arranged plan for someone to try to release the prisoner.

## 3. Stopping to provide law enforcement services while transporting

- a. When transporting a prisoner, the transporting officer shall provide law-enforcement services only when:
  - (1) A need exists for the transporting officer to act immediately in order stop or prevent a violent act and prevent further harm to a victim.
  - (2) A person has been injured and assistance is required immediately.
  - (3) A crime is in progress, thus creating an immediate need to apprehend the suspect.
- b. In all of the above situations, the transporting officer shall ensure at all times that the prisoner is secured and protected.
- c. Under no circumstances shall an officer transporting a prisoner engage in a pursuit.

## 4. Escape

If a prisoner escapes while being transported, the transporting officer shall observe the following procedures.

- a. Request assistance immediately from the jurisdiction the officer is in at the time of the escape. The transporting officer shall immediately provide dispatch with the following information:
  - (1) Location.
  - (2) Direction and method of travel, and means of escape.
  - (3) Name, physical description of escapee.
  - (4) Possible weapons possessed by the escapee.
  - (5) Pending charges.
- b. Try to recapture the escapee as soon as possible. See also RR 1-17, Jurisdiction. *Virginia Code* § 19.2-77 authorizes an officer to pursue and arrest the escaped prisoner anywhere in Virginia if in close pursuit.
- c. The transporting officer shall submit a written report to the chief of police/sheriff as soon as practicable explaining the circumstances of the escape.

5. Prisoner communication

The transporting officer shall not allow prisoners to communicate with other people while in transit unless the situation requires it. The officer shall use his or her judgment when deciding whether to allow a conversation to take place between the transported prisoner and another party.

6. Arrival at destination

When transporting prisoners from one facility to another, upon arriving at the destination, the transporting officer shall observe the following procedures:

- a. Firearms shall be secured in the designated place at the facility being entered. If there are none, secure firearms inside the locked trunk of the police vehicle.
- b. Restraining devices shall be removed only when directed to do so by the receiving facility or when the officer is sure that the prisoner is properly controlled and secure.
- c. The proper paperwork (jail committal, property form, etc.) shall be submitted to the proper person at the receiving facility and, in

situations that require it, the officer shall ensure that proper signatures are obtained on paperwork to be returned to the department.

G. Sick/injured prisoners and medical facilities

1. At any time before, during, or after the arrest that the prisoner is injured or becomes sick, the officer shall seek medical attention immediately. Medical attention shall be obtained before transporting the prisoner to the jail if the injury/sickness happens before arrival there.
2. The transporting officer shall use discretion in applying restraining devices on sick or injured prisoners. Obviously, if a prisoner is injured or sick enough to be incapacitated, restraining devices may not be appropriate. As a rule, do not remove a prisoner's handcuffs at the hospital unless ordered to do so by the attending physician.
3. If the prisoner refuses treatment, the prisoner shall be asked to sign an Against Medical Advice form. Have the attending physician or a nurse sign the form as witnesses. If the prisoner refuses to sign the form, obtain two witnesses to the refusal (hospital staff, another officer, or fire/rescue personnel). The form must be given to the jail during booking.
4. If the prisoner must be admitted to the hospital, the officer shall release the prisoner only after consulting the on-duty supervisor. The supervisor, in turn, shall consult the magistrate or the commonwealth's attorney. ***[Note: Be careful of possible jurisdictional problems. The prisoner may be arrested in one jurisdiction and taken to a hospital in another.]*** The supervisor shall observe the following procedures to ensure control of the prisoner:
  - a. If the prisoner is admitted, arrange for guards. Request the presence of a magistrate and arrange for the magistrate's transportation to the hospital.
  - b. Assist the magistrate in arraigning the prisoner, if necessary, or stand by while the magistrate issues a warrant.
  - c. Serve the warrant, if one has been issued. If the magistrate will not release the arrestee on personal recognizance, then contact the ***[local sheriff's office]*** to assume responsibility for security and guard duty at the hospital.
  - d. Until relieved by the sheriff's office, the supervisor shall brief every officer on the duties of guards and shall ensure that guards have radios.

- e. The supervisor shall ensure that guards are checked periodically and relieved as necessary until sheriff's deputies relieve them.
- f. The prisoner shall be kept under observation at all times and, normally, restraining devices shall be used. Officers shall consult with medical personnel concerning the use of restraining devices.

H. Special transport problems

- 1. Transport of prisoner by officer of different sex
  - a. When transporting a prisoner of one sex by an officer of another sex, an additional officer may be requested to accompany the transport.
  - b. If using a second officer is impractical, at a minimum the transporting officer shall:
    - (1) Contact the dispatcher by radio and request that the time and odometer mileage be logged.
    - (2) Go directly to the destination by using the shortest practical route.
    - (3) Upon arrival at the destination, contact the dispatcher by radio and request that the time and the odometer reading be logged.
- 2. Prisoner with disabilities
  - a. When transporting a prisoner with disabilities, the transporting officer shall request help when needed to complete the transport conveniently, comfortably, and safely for both the prisoner and the officer. The officer may request the dispatcher to contact the rescue squad for assistance. The transporting officer shall take whatever special equipment or medicine is necessary for the prisoner.
  - b. With a disabled person in custody, the transporting officer must use common sense. When the disability is such that no danger of escape or injury to the prisoner or officer exists, then restraining devices may be inappropriate.
  - c. Any wheelchairs, crutches, prosthetic devices, and medication shall be transported with, but not in the possession of, the prisoner.
- 3. Transportation of dangerous/security-risk prisoners from one facility to another

- a. Transportation to court: When a prisoner is considered dangerous or a security hazard, the sheriff's courtroom security personnel shall be notified before the transport takes place in order to plan how best to minimize any chance of escape, or injury to the prisoner or anyone else.

## I. Restraining devices

1. See GO 2-7 for guidance.
2. When prisoners must be restrained during transport, the following procedures shall be followed unless circumstances require an alternate method.
  - a. A single prisoner shall be handcuffed with both hands behind his or her back. See GO 2-7.
  - b. ***[Note: State here how multiple prisoners should be restrained before they are placed in a police vehicle. Some agencies handcuff multiple prisoners together. Check with your regional academy for a recommendation on technique.]***
  - c. Leg and waist belt restraints may also be used in order to minimize the risk of injury or escape.
  - d. Under no circumstances shall a prisoner be handcuffed to a part of the transport vehicle itself, such as the floor post, protective screen barrier, etc.
  - e. Officers shall use ankle shackles or plastic handcuffs to immobilize legs when transporting any prisoner that might pose an escape risk.
3. Mentally disabled prisoners

If the use of a strait jacket becomes necessary to transport a mentally disturbed prisoner, the officer shall request the assistance of mental health or rescue unit personnel. At no time will a strait jacket be used to restrain prisoners who do not require it.

## J. Documentation

Officers shall document all prisoner transports and shall note any unusual circumstances or events. Officers shall document the circumstances of any apparently ill or injured prisoners and their medical treatment. Give names (and badge numbers, as appropriate) of personnel from and to whom the prisoner was released or transferred.



